

JAN 03 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:
Sidle et al.

Serial No.: 10/643,644

Filed: August 19, 2003

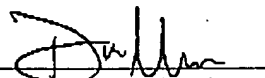
Group Art Unit: 2166

Examiner: Saeed, Usmaan

Atty. Docket No.: ARC920030030US1

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Duane N. Moore

For: INCREMENTAL AST MAINTENANCE USING WORK AREAS

REQUEST FOR CORRECTION OF
INVENTORSHIP UNDER 37 C.F.R. 1.48(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Correction of Inventorship is requesting the removal of Peter J. Haas as an inventor in this case. As more fully described below, Peter J. Haas is no longer an inventor in this case as his invention is no longer being claimed in the non-provisional application. The Commissioner is hereby authorized to charge the \$130.00 processing fee to Attorney's Deposit Account Number 09-0441.

Please charge any deficiencies and credit any overpayments to Attorney's Deposit Account Number 09-0441.

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I. Requirements

Referencing 37 CFR 1.48(b), section 201.03 of the MPEP provides that:

(b) Nonprovisional application—fewer inventors due to amendment or cancellation of claims. If the correct inventors are named in a nonprovisional application, and the prosecution of the nonprovisional application results in the amendment or cancellation of claims so that fewer than all of the currently named inventors are the actual inventors of the invention being claimed in the nonprovisional application, an amendment must be filed requesting deletion of the name or names of the person or persons who are not inventors of the invention being claimed. **Amendment of the inventorship requires: (1) A request, signed by a party set forth in § 1.33(b), to correct the inventorship that identifies the named inventor or inventors being deleted and acknowledges that the inventor's invention is no longer being claimed in the nonprovisional application; and (2) The processing fee set forth in § 1.17(i) ... 37 CFR 1.48(b) provides for deleting the names of persons originally properly included as inventors, but whose invention is no longer being claimed in a nonprovisional application ... 37 CFR 1.48(b) requires that the amendment be accompanied by: (1) a request including a statement identifying each named inventor who is being deleted and acknowledging that the inventor's invention is no longer being claimed in the application; and (2) a fee under 37 CFR 1.17(i). The statement may be signed by applicant's registered attorney or agent who then takes full responsibility for ensuring that the inventor is not being improperly deleted from the application. Written consent of any assignee is not required for requests filed under 37 CFR 1.48(b).**

(emphasis added).

II. Discussion

Applicants have satisfied all of the requirements of MPEP 201.03; thus, this

Correction of Inventorship is proper. First of all, this request is "signed by a party set forth in § 1.33(b)". § 1.33(b) provides that:

Amendments and other papers ... filed in the application must be signed by: (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b); [or] (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the

provisions of § 1.34.

Further, § 1.34 provides that:

When a registered patent attorney or patent agent acting in a representative capacity appears in person or signs a paper in practice before the United States Patent and Trademark Office in a patent case, his or her personal appearance or signature shall constitute a representation to the United States Patent and Trademark Office that under the provisions of this subchapter and the law, he or she is authorized to represent the particular party in whose behalf he or she acts. In filing such a paper, the registered patent attorney or patent agent must specify his or her registration number and name with his or her signature.

This Request for Correction of Inventorship is signed by a registered patent attorney (Duane N. Moore, Esq., Registration No. 533525) authorized to represent the particular party in whose behalf he acts (Assignee International Business Machines Corporation).

Additionally, in compliance with MPEP 201.03, **this request “identifies the named inventor or inventors being deleted”**. More specifically, this Request for Correction of Inventorship requests the removal of Peter J. Haas as an inventor in this case.

Furthermore, in compliance with MPEP 201.03, **this request “acknowledges that the inventor's invention is no longer being claimed in the nonprovisional application”**. Specifically, Peter J. Haas is a joint inventor of the invention defined by claims 7, 12-14, 18-20, and 25-27 of the present application, which were cancelled by Applicants' amendment dated June 27, 2006. Cancellation of claims 7, 12-14, 18-20, and 25-27 removed Peter J. Haas's contribution to the present application; thus, Peter J. Haas is not a joint inventor of the invention defined by claims 1-4, 8-11, 15-17, and 21-24 of the present application.

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Moreover, Songting Chen is a joint inventor of the invention defined by claims 5-7, 12-14, 18-20, and 25-27 of the present application, which were cancelled by Applicants' amendment dated June 27, 2006. Cancellation of claims 5-7, 12-14, 18-20, and 25-27 removed Songting Chen's contribution to the present application; thus, Songting Chen is not a joint inventor of the invention defined by claims 1-4, 8-11, 15-17, and 21-24 of the present application. An Amendment of Inventorship requesting the removal of Songting Chen as an inventor in this case was filed by Applicants on June 27, 2006. The Amendment of Inventorship was (1) signed by a party set forth in § 1.33(b), (2) identified the named inventor being deleted, (3) acknowledged that the inventor's invention is no longer being claimed, and (4) included the processing fee set forth in § 1.17(i).

In addition, this request is proper under MPEP 201.03 because it provides "[t]he processing fee set forth in § 1.17(i)". As noted above, "[t]he Commissioner is hereby authorized to charge the \$130.00 processing fee to Attorney's Deposit Account Number 09-0441."

II. Formal Matters and Conclusion


This Request for Correction of Inventorship is (1) signed by a party set forth in § 1.33(b), (2) identifies the named inventor being deleted, (3) acknowledges that the inventor's invention is no longer being claimed, and (4) includes the processing fee set forth in § 1.17(i); therefore, this request is proper under MPEP 201.03.

Further, Applicants submit that because the claims directed towards Songting

Chen's and Peter J. Haas' contributions to Applicants' disclosure have been cancelled (by Applicants' amendment under 37 CFR 1.111, dated June 27, 2006), Richard Sidle, Roberta Cochrane, and Hamid Pirahesh are the only joint inventors of the claimed invention (i.e., claims 1-4, 8-11, 15-17, and 21-24).

Respectfully submitted,

Dated: 1/03/07


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